

# REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF  
Carnevale Minor Subdivision;  
3200-21133 (TPM), 3910-08-14-015 (ER)

January 4, 2011

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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Discussion:

The proposed project and any off-site improvements are located within the boundaries of the Multiple Species Conservation Program. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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Discussion:

The proposed project and any off-site improvements related to the proposed project are within the boundaries of the Multiple Species Conservation Program. The project conforms with the Multiple Species Conservation Program and the Biological Mitigation Ordinance as discussed in the MSCP Findings dated January 4, 2011.

**III. GROUNDWATER ORDINANCE** - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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Discussion:

The project will obtain its water supply from the Padre Dam Municipal Water District which obtains water from surface reservoirs and/or imported sources. The project will

use an existing well for irrigation purposes only. As identified within Section 67.722B (Groundwater Investigations) of the San Diego County Groundwater Ordinance, it has been determined that groundwater resources are adequate to meet the groundwater demands of the project.

**IV. RESOURCE PROTECTION ORDINANCE** - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

***Wetland and Wetland Buffers:***

The site contains coast live oak woodland, which is considered an RPO wetland, which if disturbed would result in a significant impact. The on-site RPO jurisdictional areas would not be impacted by the proposed project and would be placed in a permanent open space easement. The off-site RPO jurisdictional areas, however, are proposed to be impacted as a result of a road crossing for the primary access road. The RPO allows crossing of wetlands for roads and trails when the following conditions are met:

- There is no feasible alternative that avoids the wetland;
- The crossings are limited to the minimum number feasible;
- The crossings are located and designed in such a way as to cause the least impact to environmental resources, minimize impacts to sensitive species and prevent barriers to wildlife movement (e.g., crossing widths shall be the minimum feasible and wetlands shall be bridged where feasible);
- The least-damaging construction methods are utilized (e.g., staging areas shall be located outside of sensitive areas, work shall not be performed during the sensitive avian breeding season, noise attenuation measures shall be included and hours of operation shall be limited to as to comply with all applicable ordinances and to avoid impacts to sensitive resources);

- The applicant shall prepare an analysis of whether the crossing could feasible serve adjoining properties and thereby result in minimizing the number of additional crossings required by adjacent development; and
- There must be no net loss of wetlands and any impacts to wetlands shall be mitigated at a minimum ratio of 3:1 (this shall include a minimum 1:1 creation component, while restoration/enhancement of existing wetlands may be used to make up the remaining requirements for a total of 3:1 ratio).

The project has limited the proposed access to a single road and will utilize an existing Arizona crossing which currently provides access to neighboring properties. The width of the proposed access road is the minimum allowed by the San Diego County Private Road Standards and Rural Fire Protection District standards.

The proposed wetland impacts would be mitigated through a combination of onsite creation and offsite purchase at a minimum 3:1 ratio in accordance with the provisions of the RPO. There will be a no net loss of wetlands and therefore no significant impact will occur.

***Floodways and Floodplain Fringe:***

The project is located adjacent to a floodway/floodplain fringe area as defined in the resource protection ordinance, but does not propose any improvements which will be in conflict with the RPO. DPW staff has reviewed the Stormwater Management Plan (SWMP), Preliminary Drainage Study, HEC-RAS, and Preliminary Grading Plan prepared by DEA, Inc. All structures proposed to be placed in any floodway/floodplain fringe areas will be built to County standards per the Flood Damage Prevention Ordinance and the County Hydrology Manual.

***Steep Slopes:***

The average slope for the property is less than 25 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

***Sensitive Habitats:***

No sensitive habitat lands were identified on the site. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

***Significant Prehistoric and Historic Sites:***

The property has been surveyed by a County of San Diego approved archaeologist, Patrick McGinnis, on October 27, 2008, and it has been determined that the property does not contain any archaeological/ historical sites. The results of the survey are provided in an archaeological survey report entitled, "*Negative Cultural Resources Survey Report, Carnevale Lot Split*", prepared by Patrick McGinnis, dated April 2009. In addition, the project must comply with the San Diego County Grading, Clearing, and Watercourse Ordinance (§87.101-87.804), CEQA §15064.5(d), and §7050.5 of the Health & Safety Code. Section 87.429 of the Grading, Clearance, and Watercourse

Ordinance requires the suspension of grading operations when human remains or Native American artifacts are encountered.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

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NO

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NOT APPLICABLE

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Discussion:

DPW staff has reviewed the Preliminary Drainage Study, Stormwater Management Plan (SWMP), and Preliminary Grading Plan prepared by David Evans and Associates. The SWMP is considered adequate for CEQA purposes and complies with the San Diego County Standard Urban Stormwater Mitigation Plan (SUSMP) and Watershed Protection Ordinance (WPO) requirements for a SWMP.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

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NO

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NOT APPLICABLE

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Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Staff has reviewed TPM21133 map and noise study prepared by Urban Crossroads dated December 22, 2008 all received on January 23, 2009. Project consists of a four lot plus a remainder lot residential subdivision. Primary noise source is identified as future traffic traveling on Harbison Canyon Road. Due to the low number of future vehicle trips, the 60 dBA CNEL contour will lie approximately 80 feet from the roadway centerline. The proposed residential lots are located at least 390 feet from the Harbison Canyon Road centerline with a remainder lot located between the lots and roadway. No future traffic noise impacts are anticipated from Harbison Canyon Road. To ensure that any future noise sensitive land uses comply with County Noise Element, Policy 4b, staff requires a noise protection easement dedication to be placed within 80 feet from the Harbison Canyon Road centerline. Proposed grading operations associated with the project subdivision will comply with the County Noise Ordinance 75 dBA noise level standard. Therefore, incorporation of a noise protection easement dedication will ensure that the project subdivision will comply with County noise standards.